

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROGER GENE OTTO,
Petitioner,

v.

MAGGIE MILLER-STOUT,
Respondent.


Case No. C07-5452RJB

ORDER ON PETITIONER'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS

This matter comes before the court on review of the September 4, 2007 Report and Recommendation of the Magistrate Judge, which recommended that petitioner's application to proceed *in forma pauperis* be denied because petitioner appeared to have the funds to pay the \$5.00 filing fee. Dkt. 7. Petitioner paid the filing fee in this matter. Dkt. 1. The Report and Recommendation is moot. Petitioner's application to proceed in forma pauperis (Dkt. 2) is **DENIED**. Petitioner's habeas corpus action shall proceed. The case, including all pending motions, is **RE-REFERRED TO UNITED STATES MAGISTRATE JUDGE J. KELLEY ARNOLD** in accord with the original order of reference.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

DATED this 17th day of September, 2007.


ROBERT J. BRYAN
United States District Judge